IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.563 OF 2006

Sunil T. Bharadkar ....Petitioner
Vs.
The Municipal Corporation of
Greater Mumbai & Ors...Respondents

Mr. L.K. Tripati, for the Petitioner
Ms.T.Puranik, for Respondents.

CORAM : F.I. REBELLO &
ANOOP V. **MOHTA, JJ.**
DATED : MARCH 23, 2006

P.C.

. The petitioners have inducted the respondents 4 and 5 in the premises. It appears that Respondent Nos. 4 and 5 have put up illegal construction as per the averments in the petition. The primary duty to protect the property is that of the owner of the property. It cannot be expected that the respondent Corporation has to discharge the burden which primarily is that of the owner. In the light of that we do not think this to be a fit case where this Court should exercise its extra ordinary jurisdiction. It will be open to the petitioners to file suit against those who have put up illegal construction in their property.

. With the above observations, petition stands disposed of.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)